THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.14997 of 2007

DATED: 17.07.2007

Between:

Shareef Hussani

.. Petitioner

And

Vice Chairman of
Hyderabad Urban Development Authority,
Hyderabad
and another.

.. Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.14997 of 2007

ORDER:

In this writ petition, the petitioner questions the letter No.5118/P4/Plg/H/2007, dated 18.06.2007, issued by Hyderabad Urban Development Authority, the first respondent herein, in which, he was directed to approach the Greater Hyderabad Municipal Corporation for sanction of building permission as per his application dated 17.04.2007.

The petitioner claims to be the owner and possessor of a site covered by Plot No.5 in Sy.No.503/1 situated at Attapur Village of Rajendra Nagar Mandal in Ranga Reddy District. It is stated that earlier he approached the Municipal Authority, Rajendranagar area, but however, they did not receive his application and he was directed to approach the Hyderabad Urban Development Authority to consider his application for grant of building permission, and accordingly, he submitted his application dated 17.04.2007 seeking approval of building plan. Further, the petitioner states that by impugned letter, dated 18.06.2007, the Hyderabad Urban Development Authority directed him to approach the Greater Hyderabad Municipal Corporation to consider his application for sanction of building permission as sought by him, and the original plans submitted him were returned unapproved.

It is the grievance of the petitioner that, as earlier Attapur Village

was in Rajendranagar Municipality, he approached it, but they did not receive the application, and in fact on their directions, he approached the Hyderabad Urban Development Authority and filed application on 17.04.2007, but, even the said authority has rejected his application further directing him to approach the Greater Hyderabad Municipal Corporation.

When the matter has come up for admission before this Court on 16.07.2007, the learned Standing Counsel for Hyderabad Urban Development Authority was asked to get instructions in the matter.

Sri Dhananjay Reddy, the learned Standing Counsel for Hyderabad Urban Development Authority, today placed before this Court the orders showing delegating powers in exercise of the powers conferred under Section 56(1) of the Andhra Pradesh Urban Areas (Development) Act, 1975, wherein, certain powers are delegated by the Hyderabad Urban Development Authority to the Special Officer/Commissioner of the Greater Hyderabad Municipal Corporation. Further, as per Clause (B) of the said delegated powers, the Special Officer/Commissioner, Greater Hyderabad Municipal Corporation is delegated with the power to accord the permission only to the residential buildings for ground and two upper floors. But, however, in the impugned letter, it is stated that the petitioner sought permission for construction of Residential Apartment for Stilt and three Upper Floors in Sy.No.503/1 at Attapur Village, Rajendranagar Mandal, Ranga Reddy District. Even, the learned Standing Counsel appearing for the respondents submitted that there are other objections, such as, the land of the petitioner is in recreation zone in the Master Plan prepared under the Andhra Pradesh Urban Areas Development Ac, 1975 and there is also boundary dispute, for grant of

building permission to the petitioner. So far as these objections are concerned, this Court need not consider the same, as the same are not the reasons for rejection of the application of the petitioner. The impugned letter shows that it is just passed without considering his application on merits, and the petitioner was directed to approach the Commissioner of Greater Hyderabad Municipal Corporation for sanction. As the delegation power of Hyderabad Urban Development Authority to the Special Officer/Commissioner of the Greater Hyderabad Municipal Corporation is confined only to consider the applications for building permission of only ground floor and two upper floors, and inasmuch as the application of the petitioner is for grant of permission for stilt and three upper floors, in that view of the matter, the Hyderabad Urban Development Authority alone is the competent authority to consider the application of the petitioner for grant of approval of building permission.

Considering the above facts and circumstances of the case, the impugned letter under challenge is liable to be set aside, and is, accordingly, set-aside, and the Hyderabad Urban Development Authority, the first respondent herein, is directed to consider the application of the petitioner on its own merits for grant of approval of building permission sought by him. However, it is made clear that nothing is expressed on merits with regard to the claim of the petitioner for grant of approval of building permission to the petitioner, and it is open for the Hyderabad Urban Development Authority to consider his application if it is otherwise in order.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY,J)

Dt.17.07.2007

v v